

Article - Estates and Trusts

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§4–501.

(a) In this subtitle the following words have the meanings indicated.

(b) “Agent” means an individual:

(1) Authorized to make health care decisions on behalf of a principal by a power of attorney for health care; or

(2) Expressly authorized to make an anatomical gift on behalf of a principal by a record signed by the principal.

(c) “Anatomical gift” means a donation of all or part of a human body to take effect after the donor’s death for the purpose of transplantation, therapy, research, or education.

(d) (1) “Decedent” means a deceased individual whose body or part is or may be the source of an anatomical gift.

(2) “Decedent” includes:

(i) A stillborn infant; and

(ii) Subject to restrictions imposed by law other than this subtitle, a fetus.

(3) “Decedent” does not include a blastocyst, embryo, or fetus that is the subject of an induced abortion.

(e) (1) “Disinterested witness” means a witness other than:

(i) A spouse, child, parent, sibling, grandchild, grandparent, or guardian of an individual who makes, amends, revokes, or refuses to make an anatomical gift; or

(ii) Another adult who exhibits special care and concern for an individual who makes, amends, revokes, or refuses to make an anatomical gift.

(2) “Disinterested witness” does not include a person to which an anatomical gift may pass under § 4–509 of this subtitle.

(f) (1) “Document of gift” means a donor card or any other record used to make an anatomical gift.

(2) “Document of gift” includes a statement or symbol on a driver’s license, an identification card, or a donor registry.

(g) “Donor” means an individual whose body or part is the subject of an anatomical gift.

(h) “Donor registry” means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts as provided in § 4–516 of this subtitle.

(i) (1) “Driver’s license” means a license or permit issued by the Motor Vehicle Administration to operate a vehicle, whether or not conditions are attached to the license or permit.

(2) “Driver’s license” includes a learner’s permit.

(j) “Emancipated minor” means a person under the age of 18 years who is:

(1) Married;

(2) A parent;

(3) Serving in the military;

(4) Emancipated by court order;

(5) Living separately from the parents of the person and is self-supporting; or

(6) Emancipated for another purpose recognized by law.

(k) “Eye bank” means a person that:

(1) Is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes;

(2) Is accredited by the Eye Bank Association of America or the American Association of Tissue Banks; and

(3) Has a permit issued in accordance with Title 17, Subtitle 3 of the Health – General Article.

(l) (1) “Guardian” means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual.

(2) “Guardian” does not include a guardian ad litem, unless the guardian ad litem is authorized by a court to consent to donation.

(m) “Hospital” means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(n) “Identification card” means an identification card issued by the Motor Vehicle Administration.

(o) “Know” means to have actual knowledge.

(p) (1) “Nontransplant tissue bank” means a person that recovers, screens, procures, transports, stores, or arranges for the storage and distribution of a body or part solely for the purpose of research, training, or education.

(2) “Nontransplant tissue bank” includes:

(i) The State Anatomy Board;

(ii) A program for a purpose described in paragraph (1) of this subsection operated by officers or employees of the United States; or

(iii) A nonprofit organization described in paragraph (1) of this subsection permitted to operate under § 5–409 of the Health – General Article.

(3) “Nontransplant tissue bank” does not include:

(i) An eye bank;

(ii) An organ procurement organization; or

(iii) A transplant tissue bank.

(q) “OCME” means the Office of the Chief Medical Examiner.

(r) “Organ procurement organization” means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

(s) “Parent” means a parent whose parental rights have not been terminated.

(t) (1) “Part” means an organ, an eye, or tissue of a human being.

(2) “Part” does not include the whole body.

(u) “Physician” means an individual authorized to practice medicine or osteopathy under the law of any state.

(v) “Procurement organization” means an eye bank, an organ procurement organization, or a tissue bank.

(w) (1) “Prospective donor” means an individual who is dead or whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education.

(2) “Prospective donor” does not include an individual who has made a refusal.

(x) “Reasonably available” means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(y) “Recipient” means an individual into whose body a decedent’s part has been or is intended to be transplanted.

(z) “Record” means information that is inscribed on a tangible medium or is stored in an electronic or any other medium and is retrievable in perceivable form.

(aa) “Refusal” means a record created under § 4–505 of this subtitle that expressly states an intent to bar other persons from making an anatomical gift of an individual’s body or part.

(bb) “Sign” means to:

(1) Have present intent to authenticate or adopt a record; and

- (2) (i) Execute or adopt a tangible symbol; or
 - (ii) Attach to or logically associate with the record an electronic symbol, sound, or process.
- (cc) (1) “Technician” means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law.
- (2) “Technician” includes an enucleator.
- (dd) (1) “Tissue” means a portion of the human body other than an organ or eye.
- (2) “Tissue” does not include:
 - (i) Blood unless the blood is donated for the purpose of research or education; or
 - (ii) An ovum or sperm for the purpose of creating an embryo to use in therapy, research, or education, unless the anatomical gift is made by the donor to the spouse of the donor.
- (ee) “Tissue bank” means a transplant tissue bank or nontransplant tissue bank.
- (ff) “Transplant hospital” means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.
- (gg) “Transplant tissue bank” means a person that is licensed, accredited, or regulated under federal or State law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue in accordance with Title 17, Subtitle 3 of the Health – General Article.

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